

Attorney Docket: 030212
U.S. Application 10/722,921 Art Unit 2614 Examiner Tieu
Response to June 2, 2008 Final Office Action

REMARKS

In response to the final Office Action dated June 2, 2008, the Assignee respectfully requests reconsideration based on the following remarks. The Assignee respectfully submits that *Rosenthal* may not be cited against the pending claims. This application was filed November 26, 2003, and *Rosenthal* has an effective filing date of February 3, 2004. *Rosenthal*, then, is not a proper § 102 (a), (b), or (e) document. The pending claims, then, cannot be anticipated or obviated using *Rosenthal*. The Assignee thus respectfully requests removal of the final rejections of the pending claims.

Claims 1-20 are pending in this application.

Rejections under § 102 (e)

The Office rejected claims 1-2 and 8-12 under 35 U.S.C. § 102 (e) as allegedly being anticipated by U.S. Patent 7,177,404 to *Rosenthal*. *Rosenthal*, however, has an effective filing date after the pending claims. That is, this application has a filing date of November 26, 2003, and *Rosenthal* has an effective filing date of February 3, 2004. *Rosenthal*, then, is not a proper § 102 (e) document. Claims 1-2 and 8-12, then, cannot be anticipated by *Rosenthal*. The Assignee thus respectfully requests removal of the final rejection of these claims.

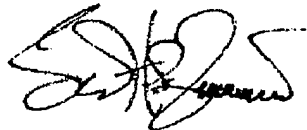
Rejection of Claims under § 103 (a)

Claims 3-7 and 13-20 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Rosenthal* in view of U.S. Patent 6,556,997 to Levy. Again, though, the proposed combination of *Rosenthal* with *Levy* cannot obviate claims 3-7 and 13-20. Because *Rosenthal* fails as a § 102 (e) document, *Rosenthal* cannot be used to reject claims 3-7 and 13-20 under § 103 (a). The Assignee thus respectfully requests removal of the final rejection of these claims.

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If any issues remain outstanding, the Office is requested to contact the undersigned at
(919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman
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